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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,655	09/27/2001	Irwin Gerszberg	03493.00308	9692

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EXAMINER

PHAM, BRENDA H

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,655

Applicant(s)

GERSZBERG ET AL.

Examiner

Brenda Pham

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-16 and 19-31 is/are rejected.
- 7) ☒ Claim(s) 17-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 5-31 have been examined.

Claim Objections

2. Claim 20 is objected to because of the following informalities: the word "loop" should be corrected to --line--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-13, 19-20, 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Seazholtz et al** (US 5,812,786), hereinafter refer to as Seazholtz, in view of **Focsaneanu et al** (US 5,610,910) hereinafter refer to Focsaneanu.

-Regarding claim 5, **Seazholtz** discloses a communications device disposed at a telephone customer premises, comprising (referring to figure 2 and 7): a processor (ADSL/AVR); a digital subscriber line modem (included in ADSL/AVR, see column 15, line 1-3), connected to said processor (ADSL/AVR), and further connected to a telephone network central office (19) by a twisted-pair wire connection (50, connection 50 is a wired ADSL loop, see column 7, line 16); one or more communication interface

Art Unit: 2664

(included in ADSL/AVR), connected to said processor (ADSL/AVR), and further connected to plurality of pieces of customer premises equipment (42, 45, 41) located at the telephone customer premises (40); wherein said processor is configured to multiplex outgoing digital data from said plurality of pieces of customer premises equipment for transmission on said twisted-pair wire connection by said digital subscriber line modem in a digital portion of a frequency spectrum of said digital subscriber line modem (column 8, line 15-45) facilitate communication from a first one of said plurality of pieces of customer premises equipment (45) to a second one of said plurality of pieces of customer premises equipment (32).

Seazholtz does not teach monitor a use status of one or more of said plurality of pieces of customer premises equipment; and redirect incoming data traffic in accordance with said use status.

Focsaneanu, in the same field of endeavor, teaches this limitation in according to column 9 lines 30-40, column 10, lines 24-35.

Focsaneanu teaches "the access module monitors customers customer communications activity during an already-established call. This monitoring is used by the access module to detect another call attempt by the user and to determine the type of service requested...With a "POTS mode" personality, the line interface identifies and interprets a carrier from the user modem as a request for data service. Several possible actions are available to the access module. In this example, a data service request initiated by the user during a POTS call will disconnect the phone and present a carrier to the user's modem." (column 10, lines 24-35).

-Regarding claims 6 and 24, **Seazholtz** teaches where said plurality of pieces of customer premises equipment includes a telephone (41).

-Regarding claim 7, **Seazholtz** further teaches where said plurality of pieces of customer premises equipment includes a television set-top box (43).

-Regarding claim 8, **Seazholtz** teaches where said plurality of pieces of customer premises equipment further includes a videophone (column 2, lines 45).

-Regarding claim 9, **Seazholtz** teaches where said plurality of pieces of customer premises equipment includes a personal computer (32,45).

-Regarding claims 10, 11 and 25, as explained in the rejection statement of claim 5, **Seazholtz** discloses all claim limitations recited in claim 5 (parent claim).

Seazholtz does not teach a radio frequency interface, communicatively connected to said processor.

Focsaneanu teaches this claim limitation, (see figure 2).

Figure 2 of Focsaneanu shows "a wireless connection. For wireless service, the CPE is connected through the wireless the wireless interface or CPE connector 40 and a radio frequency channel 52 to the base station or access module 42, and then to the

wireless service provider who in turn provides a connection to the specific or transport network such as PSTN 54".

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement a radio frequency interface at the CPE to provide wireless service to users at the customer premises equipment.

-Regarding claim 12, **Seazholtz** teaches the communications device of claim 5 further comprising an analog telephone connected to said digital subscriber line modem by a lifeline connection, whereby analog telephone service may continue to be provided in the event of a power failure at the telephone customer premises (column 7, lines 29-33).

-Regarding claim 19, **Seazholtz** teaches wherein said processor is further configured to receive an incoming signal on said twisted-pair wire connection, wherein said incoming signal contains multiplexed digital data intended for two or more of said plurality of pieces of customer premises equipment; demultiplex said incoming signal; and transmit demultiplexed portions of said incoming signal to said two or more of said plurality of pieces of customer premises equipment (see column 9, line 4-6 and 24-30).

-Regarding claim 20, **Seazholtz** teaches wherein said processor is further configured to dynamically allocate an available bandwidth of said digital subscriber loop modem according to said used status (column 11, line 60-67, column 12, line 1-30).

-Regarding claim 26, **Seazholtz** teaches where one of said communication interface is an Ethernet interface (figure 7, column 11, lines 1-5).

-Regarding claim 27, **Seazholtz** further teaches where one of said communication interface is an ISDN interface (column 8, line 15-26).

-Regarding claim 28, **Seazholtz** furthermore teaches where said outgoing digital data is in a packetized form having an address (ATM networks packetize, figure 2, column 15, lines 66-67).

-Regarding claim 29, **Seazholtz** teaches where said incoming data is a packetized form having an address (ATM network packetize, figure 2).

-Regarding claims 13, 23 and 24, as explained in the rejection statement of claim 5, **Seazholtz** in view of **Focsaneanu** disclose all the claim limitations recited in claim 5 (parent claim). **Seazholtz** shows one telephone (41) connected to the processor. Although **Seazholtz** does not teach a plurality of analog telephone connected to said residential interface, wherein said processor is configured to create a plurality of virtual telephone lines to allow said plurality of analog telephones to simultaneously communicate using the twisted-pair wire connection, this claim limitation is well known and is shown in prior art (figure 5).

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement a plurality of analog telephones connected to said residential interface to allow plurality of analog telephone to simultaneously communicate.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Seazholtz et al** (US 5,812,786) in view of **Focsaneanu et al** (US 5,610,910) and further in view of **O'Toole et al** (US 5,889,856), hereinafter refer to as O'Toole.

-Regarding claim 14, as explained in the rejection statement of claim 5, Seazholtz in view of Focsaneanu disclose all the claim limitations recited in claim 5 (parent claim).

Seazholtz in view of Focsaneanu does not teach a protector block between said digital subscriber line modem and said twisted-pair wire connection.

O'Toole, in the same field of endeavor, teaches a protector block between said digital subscriber modem and said twisted-pair telephone connection.

O'Toole teaches that "a transformer is often used to isolate the phone line from the line card and especially the A/D converter".

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to have utilized a protector block of O'Toole in the communication device of Seazholtz in view of Focsaneanu for protection between modem and telephone connection.

Art Unit: 2664

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Seazholtz et al** (US 5,812,786) in view of **Focsaneanu et al** (US 5,610,910) further in view of **Mano et al** (US 5,793,366), hereinafter refer to as Mano.

-Regarding claim 22, as explained in the rejection statement of claim 5, **Seazholtz** in view of **Focsaneanu** discloses all the claim limitations recited in claim 5 (parent claim).

Although **Seazholtz** in view of **Focsaneanu** does not teach wherein said one or more communication interfaces includes a fire wire interface (IEEE 1394 serial bus interface) carry a plurality video signals for a plurality of video devices, this claim limitation is well known in the art and is taught by Mano, in according to the abstract.

Fire wire is a 100 Mbps serial bus, also known as IEEE 1394. It is geared to become a digital interface for consumer video electronics and hard-disk drives.

Therefore it would have been obvious to those having ordinary skill in the art at the time of the invention was made to utilize a fire wire interface in **Seazholtz** for transmitting video signal to a plurality of video devices.

7. Claims 15-16, 21, 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Seazholtz et al** (US 5,812,786), in view of **Richter et al**(US 5,623,490), hereinafter refer to as Richter.

-Regarding claims 15, 16, **Seazholtz** discloses a telephone service method (referring to figure 7), comprising the steps of receiving incoming data for first (telephone) and second pieces (Video/Audio) of customer premises equipment in a

Art Unit: 2664

single multiplexed signal (signal coming from ADSL and POTS link) from a telephone switch over a telephone connection; demultiplexing said signal; converting a first portion of said incoming data to a communications protocol of said first piece of customer premises equipment; transmitting said first portion of said incoming data to said first piece of customer premises equipment; and transmitting a second portion of said incoming data to said second piece of customer premises equipment (see column 9, lines 19-30).

Seazholtz shows, according to figure 7, that video/audio and Ethernet data received from central office are demultiplexed at the subscriber's premises by the MUX and transmitting incoming data to the appropriate piece of customer premises equipment.

Seazholtz does not teach wherein said steps of transmitting said first and second portion of said incoming data are performed in accordance with priorities assigned to said first and second pieces of customer premises equipment.

Richter, in the same field of endeavor, teaches this limitation (see abstract).

Richter teaches that a digital communication system where multiple media data sources are time multiplexed into a packetized data stream each packet having an assigned priority and the packetized data stream transmitted substantially the order of assigned priority. At both the transmit side, and the receive side, audio packets are given priority processing over video packets, which in turn have priority over text/graphics data packets.

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to assign priority to data packets in **Seazholtz**, such as taught by **Richter** to provide the best balance between transmission quality and realization of real time rendition of each type of the data packets.

-Regarding claim 21 and 30, **Seazholtz** further teaches wherein said single multiplexed signal is a digital signal, and wherein said first and second portions of said incoming data are digital signals, (Video and Ethernet signal).

-Regarding claim 31, **Seazholtz** teaches where said step of transmitting a second portion of said incoming data further includes the step of using an ISDN interface (column 11, line 65-67).

Allowable Subject Matter

8. Claims 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record does not teach receiving a multicast signal from said telephone switch; selectively filtering said multicast signal according to predefined preferences of a telephone customer; and delivering to said first piece of customer premises equipment the selectively filtered portion of said multicast signal.

Art Unit: 2664

The prior art made of record does not teach in combination the steps of monitoring a use status of said first and second pieces of customer premises equipment; monitoring a use status of a third piece of customer premises equipment; and transmitting said first portion of said incoming data to said third piece of customer premises equipment when said first piece of customer premises equipment is in use and said third piece of customer premises equipment is not in use.

Conclusion

8. *Any response to this action should be mailed to:*

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Faxed to:

(703) 872-9314, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA., Sixth Floor (Receptionist)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (703) 308-0148. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Brenda Pham
September 4, 2003

